

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
(Harrisonburg Division)**

TIMOFEY KOROTKIKH  
Plaintiff,

v.

GHEORGHE CEBOTARI, ET AL.,  
Defendants.

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Civil Action No.: **5:22-cv-00059**

**NOTICE OF REMOVAL**

Defendants GHEORGHE CEBOTARI, MARIANA POTLOG, and DART TRANSPORTATION, INC. (“Defendants”), by and through counsel, hereby give notice of removal of the above action from the Circuit Court of the County of Shenandoah, Virginia (“Circuit Court”), to the United States District Court for the Western District of Virginia, Harrisonburg Division, pursuant to 28 U.S.C. §§ 1332(a), 1441 and 1446. As set forth below, this Court has original diversity jurisdiction over this action pursuant to Section 28 U.S.C. § 1332. All requirements for removal of this action are met through the allegations contained in the pleadings filed in the Circuit Court and in this Notice of Removal.

In support of this Notice of Removal, the Defendants state as follows:

**Background**

1. There is pending in the Circuit Court of the County of Shenandoah, Virginia, a Complaint styled Timofey Korotkikh v. Gheorghe Cebotari, et al, Case No. CL22-145 (the “State Court Action”). The Complaint in the State Court Action was filed on or about February 14, 2022. A copy of the Complaint is attached hereto as **Exhibit A**.

2. There have been no further proceedings in the State Court Action.

**Requirements for Removal**

3. To date Defendants have not been served with a copy of the Complaint and therefore this Notice of Removal is timely pursuant to 29 U.S.C. § 1446(b).

4. Defendants are informed and believe that plaintiff, Timofey Korotkikh, is an individual residing in the state of South Carolina. See **Exhibit A** at Para. 1.

5. Defendants have informed undersigned counsel that they consent to the removal of this action to federal court.

6. The State Court Action is properly removed under 28 U.S.C. § 1441(a), because the State Court Action is subject to the original jurisdiction of this Court pursuant to 28 U.S.C. § 1332, as explained below.

7. Plaintiff is a citizen of the state of South Carolina. The Complaint alleges he is a resident of South Carolina and Defendants' investigation has failed to identify any facts indicating Plaintiff could be a citizen of any other state. Defendants, therefore, allege that Plaintiff is a citizen of South Carolina.

8. Defendant Dart Transportation, Inc., is incorporated under the laws of the State of Illinois and has its principal place of business in Illinois. Defendant Dart is, therefore, a citizen of the State of Illinois.

9. Defendant Mariana Potlog is a resident and citizen of the state of Illinois.

10. Defendant Gheorghe Cebotari is a resident and citizen of the state of Florida.

11. Complete diversity of citizenship exists between Plaintiff, who is a citizen of South Carolina, and Defendants, which are citizens of Illinois and Florida.

12. Plaintiff's Complaint seeks damages from Defendants in the amount of \$1,000,000 in compensatory damages. See **Ex. A**, Compl., at pg. 6. This satisfies the requirements for this Court's jurisdiction based on diversity of citizenship under 28 U.S.C. § 1332.

13. This action is properly removed from the State Court to this Court on grounds of diversity jurisdiction because (a) complete diversity of citizenship exists between Plaintiff and Defendant, and (b) the amount in controversy herein exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

14. Written notice of the filing of this Notice of Removal will promptly be given to plaintiff and the Clerk of the Circuit Court of the County of Shenandoah, Virginia, as required by 28 U.S.C. § 1446(d).

WHEREFORE, the defendants, GHEORGHE CEBOTARI, MARIANA POTLOG, and DART TRANSPORTATION, INC., respectfully request that this case proceed before this Court as an action properly removed.

/s/ William J. Pfund

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and accurate copy of the pleading was sent electronically and mailed, first class, postage prepaid, this 14<sup>th</sup> day of October, 2022 to:

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/s/ William J. Pfund

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